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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14

15 DISTRICT COUNCIL 16 NORTHERN
CALIFORNIA HEALTH AND WELFARE
16 TRUST FUND, et al.,

17 Plaintiffs,

18 v.

19 RBE CONSTRUCTION INC., a California
corporation, doing business as SLINGSHOT
20 DRYWALL,
21 Defendant.

Case No. 4:17-cv-03327-HSG

**JOINT REQUEST TO EXTEND
MEDIATION COMPLETION DEADLINE
BY 40 DAYS; ORDER**

22 Plaintiffs and Defendant RBE Construction, Inc. dba Slingshot Drywall, by and through their
23 respective counsel of record, hereby respectfully request to extend the deadline to hold the mediation
24 session by 50 days. Good cause exists for the continuance, as follows:

25 1. On October 26, 2017, the Court ordered the Parties to participate in mediation within the
26 presumptive deadline of ninety days, (Dkt. No. 24), as stipulated. The deadline for the Parties to
27 participate in mediation was January 24, 2018.
28

2. On November 13, 2017, the Court issued a Notice of Appointment of Mediator James H. Fleming (Dkt. No. 25).

3. The parties participated in a pre-mediation phone conference on November 29, 2017 with Mr. Fleming, and scheduled a mediation hearing for January 22, 2018.

4. In late December 2017, Defendant provided documents necessary to complete the pending audit to Plaintiffs' auditor, Lindquist, LLP ("Lindquist").

5. Lindquist initially advised Plaintiffs' counsel that a draft audit report would be completed in early February.

6. On January 28, 2018, the Parties submitted a joint request to extend the mediation completion deadline by 60 days. The Court granted that request and extended the mediation completion deadline to March 23, 2018 (Dkt. No. 29).

7. Plaintiffs' auditor Lindquist was unable to complete the draft audit in the timeframe initially estimated due to the number of documents reflecting work performed over a period of two years. The draft audit was not completed until March 7, 2018. On March 12, 2018, the Court granted a request to extend the mediation completion deadline to June 10, 2018 (Dkt. No. 31). The Court has subsequently granted further extensions (Dkt. No. 34 and Dkt. No. 37) through October 9, 2018.

8. The Parties have been working together to review the audit and respond to the specific findings. Because the period at issue spans over 18 months and multiple projects, it has taken longer than anticipated to review and respond to the audit. Defendant RBE has a new bookkeeper and requires additional time to respond to the audit. The parties are now exchanging additional documents to ensure each side has full access to materials needed to reconcile disagreements.

9. The Parties believe that mediation will be most effective once the Plaintiffs and Defendant have had the chance to complete discussion of the audit and the dispute process has been completed.

10. Counsel has discussed this with Mr. Fleming, the mediator, and he has expressed his support for the requested extension.

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1 11. The Parties therefore request that the Court extend the October 9, 2018 deadline to hold
2 the mediation session by 40 days (November 19, 2018) to allow the Parties to complete the audit dispute
3 process prior to mediating.
4

5 DATED: October 3, 2018

**SALTZMAN & JOHNSON LAW
CORPORATION**

7 By: /s/ Matthew P. Minser

8 Matthew P. Minser
9 Attorneys for Plaintiffs, District Council 16
Nor. Cal. Health and Welfare Trust Fund, et al.

10 DATED: October 3, 2018

SQUIRE PATTON BOGGS (US) LLP

12 By: /s/ Wallace E. Smith

13 Wallace E. Smith
14 Attorneys for Defendant, RBE Construction, Inc.,
et al.

15 CERTIFICATION RE: SIGNATURES

16 I attest that concurrence in the filing has been obtained from the other Signatory.

17 DATED: October 3, 2018

19 By: /s/ Wallace E. Smith

20 Wallace E. Smith

21 **IT IS SO ORDERED.**

22 The deadline to hold the mediation session is extended by 40 days to November 19, 2018.

23 DATED: October 10, 2018

24 Haywood S. Gull J.
25 UNITED STATES DISTRICT COURT JUDGE
26
27
28